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BEFORE THE ARIZONA CORPORATION COMMISSION**COMMISSIONERS**

BOB STUMP - Chairman
 GARY PIERCE
 BRENDA BURNS
 BOB BURNS
 SUSAN BITTER SMITH

Arizona Corporation Commission AZ CORP COMMISSION

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ORIGINAL

IN THE MATTER OF THE FORMAL COMPLAINT
 OF ROGER AND DARLENE CHANTEL,

DOCKET NO. E-01750A-09-0149

COMPLAINANTS,

v.

MOHAVE ELECTRIC COOPERATIVE, INC.,

RESPONDENT.

PROCEDURAL ORDER
(Setting Procedural Conference)

BY THE COMMISSION:

On March 24, 2009, Roger and Darlene Chantel ("Chantels" or "Complainants") filed a formal complaint ("Complaint") with the Arizona Corporation Commission ("Commission") against Mohave Electric Cooperative, Inc. ("MEC" or "Company"). MEC filed its Response to Formal Complaint and Motion to Dismiss on April 10, 2009. A Procedural Order docketed on July 28, 2009, denied MEC's Motion to Dismiss.

On July 12, 2013, MEC filed a Motion to Reconsider Motion to Dismiss Formal Complaint ("Motion to Reconsider").

On August 14, 2013, the Chantels docketed their Response to Mohave Electric Cooperative's Motion to Reconsider Motion to Dismiss Formal Complaint and a Motion to Transfer Issues in Complaint to the Citizens' Jurisdiction ("Motion to Transfer").

On August 26, 2013, MEC filed its Reply to Complainants' Response to Motion to Reconsider Motion to Dismiss Formal Complaint and its Response to Complainants' "Motion to Transfer Issues in Complaint to the Citizens' Jurisdiction."

On September 4, 2013, the Chantels docketed a Motion to Enforce Arizona Administrative Codes R14-2-211(A)(5)(6), R14-2-202(B)(1)(2), R14-2-208(A)(1) and (F)(1), and attached a proposed form of Judicial Order ("Motion to Enforce").

1 On September 9, 2013, a Procedural Order was docketed setting a procedural conference for
2 September 25, 2013, for the purpose of taking oral arguments on MEC's Motion to Dismiss and
3 Motion to Reconsider and on the Chantels' Motion to Transfer and the Motion to Enforce. The
4 Procedural Order also directed MEC to file a response to the Chantels' Motion to Enforce by
5 September 23, 2013.

6 On September 16, 2013, the Chantels filed a Motion to Postpone Most of the Issues at the
7 Hearing on September 25, 2013 ("Motion to Postpone"), and a Motion to Hear Issues on the
8 Emergency Notice of Action Submitted to Steven Olea of the Arizona Corporation Commission
9 ("Motion to Hear Issues"). In their Motion to Postpone, the Complainants asserted that the parties
10 had planned an inspection of MEC's lines along Highway 66 and requested that most of the issues set
11 to be heard at the September 25, 2013, proceeding be postponed pending results of the inspection.
12 The Chantels requested that the Emergency Notice of Action¹ be heard instead.

13 On September 23, 2013, MEC submitted its Response to Complainants' Motions 1) to
14 Enforce, 2) to Postpone and 3) to Hear Issues. The Company objected to postponement of the
15 September 25, 2013, procedural conference and requested that the oral arguments continue as
16 scheduled.

17 A Procedural Order was docketed September 23, 2013, vacating the September 25, 2013,
18 procedural conference.

19 On September 30, 2013, the Chantels filed a reply to MEC's September 23, 2013, Response.

20 MEC filed a Motion for Procedural Conference on October 8, 2013, requesting that a
21 procedural conference be set for the purpose of hearing oral arguments on all outstanding motions.

22 On October 16, 2013, the Chantels docketed a Request to Decline Motion for Oral Argument
23 in a Procedural Conference and that the Administrative Law Judge Move Forward in Issuing of the
24 Enforcement Order. The Chantels stated that no new evidence or testimony can be presented that
25 will add to that already submitted by the parties; therefore, MEC's Motion should be denied.

26 On October 30, 2013, a Procedural Order was docketed setting a telephonic procedural
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28 ¹ The Chantels included their "Emergency Notice of Action" as an attachment to their Response to Mohave Electric Cooperative's Motion to Reconsider Motion to Dismiss Formal Complaint.

1 conference for November 19, 2013, at 10:00 a.m., to address certain procedural questions prior to
2 taking oral arguments on any outstanding motions. The Procedural Order advised the parties that no
3 substantive matters would be considered during the proceeding. A toll-free telephone number was
4 provided for the parties' use.

5 The telephonic procedural conference convened on November 19, 2013, and Larry Udall, on
6 behalf of MEC, and Wes Van Cleve, on behalf of Commission Staff, attended telephonically. A
7 court reporter was also present by telephone to record the proceeding. After postponing the
8 procedural conference for 15 minutes, the Complainants did not appear telephonically or in person
9 and the proceeding was cancelled. MEC and Commission Staff were advised that a Procedural Order
10 would be issued setting another procedural conference for the purpose of determining whether the
11 Chantels desired to proceed with their Complaint.

12 On November 25, 2013, a Procedural Order was docketed setting a procedural conference for
13 December 16, 2013, to discuss whether the Chantels wished to continue with their Complaint. The
14 Procedural Order advised the Complainants that failure to attend the telephonic procedural
15 conference could result in administrative closure of the docket.

16 The procedural conference convened on December 16, 2013, with both parties attending
17 telephonically. The Complainants stated that they desire to pursue their Complaint. At the
18 conclusion of the procedural conference, the parties were advised that a Procedural Order would be
19 issued setting a telephonic procedural conference to address the procedural questions originally
20 intended for the cancelled November 19, 2013, proceeding. The parties were also advised that no
21 substantive issues would be addressed at the procedural conference and they would not be taken up
22 until all procedural questions had been resolved.

23 IT IS THEREFORE ORDERED that a **telephonic procedural conference shall commence**
24 **on January 28, 2014, at 11:00 a.m., CALL-IN NUMBER: (888) 450-5996, PARTICIPANT NO.**
25 **457395#**. The parties may also attend in person at the Commission's Tucson offices, Room 222, 400
26 West Congress Street, Tucson, Arizona 85701.

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1 IT IS FURTHER ORDERED that the purpose of the telephonic procedural conference
2 shall be to discuss procedural matters only. There will be no discussion of substantive issues
3 during this procedural conference.

4 IT IS FURTHER ORDERED that the Commission's Utilities Division ("Staff") shall
5 attend the telephonic procedural conference in the event that Staff's input is needed on certain
6 procedural questions.

7 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
8 of the Arizona Supreme Court and A.R.S. §40-243 with respect to practice of law and admission *pro*
9 *hac vice*.

10 IT IS FURTHER ORDERED that that the Administrative Law Judge may rescind, alter,
11 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
12 ruling at hearing.

13 DATED this 30th day of December, 2013.

14 
15 BELINDA A. MARTIN
16 ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed
18 this 30th day of December, 2013, to:

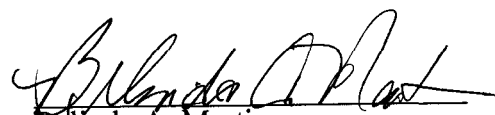
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26 By: 
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